

1 Joseph Alm (CA Bar # 29462)
2 jalm@tesla.com
3 Tesla, Inc.
4 901 Page Ave.
5 Fremont CA 94538
6 (650) 681-5000

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 TESLA, INC., a Delaware corporation,

12 Plaintiff,

13 v.

14 ALEX KHATILOV, an individual,

15 Defendant.

CASE NO. 4:21-CV-00528-YGR

**JOINT STIPULATION OF
DISMISSAL, FED R. CIV. P.
41(A)(1)(A)(II), AND PROPOSED
STIPULATED PERMANENT
INJUNCTION**

16 WHEREAS, Plaintiff Tesla, Inc. (“Tesla”) filed this action against Defendant Alex Khatilov
17 (“Khatilov”) on January 22, 2021, asserting claims for misappropriation of trade secrets and breach of
18 contract arising from Khatilov’s unauthorized uploading of confidential Tesla documents to his personal
19 Dropbox account, *see* Dkt. 1;

20 WHEREAS, the Court entered temporary restraining order on January 22, 2021, Dkt. 7, and
21 entered a preliminary injunction on February 3, 2021, Dkt. 12, each requiring Khatilov to refrain from
22 disclosure to any third party of Tesla confidential information, to preserve all documents relating to this
23 lawsuit and his employment with Tesla, among other things, and to provide data and computer images to
24 Tesla’s counsel for imaging and inspection;

25 WHEREAS, Khatilov has provided images of his devices and electronic accounts to Tesla and
26 has provided sworn testimony in deposition concerning this matter;

27 WHEREAS, Tesla and Khatilov have entered into a settlement agreement to resolve all claims
28 asserted in this action, the terms of which are confidential but require Khatilov to make a monetary

1 payment to Tesla and provide Tesla with ongoing rights to audit his accounts, devices, and data to
2 ensure that he does not possess (or come into possession of) Tesla confidential information;

3 WHEREAS, as part of the Parties' settlement, Tesla and Khatilov agree to and jointly request the
4 Court to enter Exhibit 1 as a permanent injunction (with a three-year term) to maintain the current
5 prohibition against sharing confidential Tesla information acquired during Khatilov's employment with
6 Tesla;

7 WHEREAS, the parties have stipulated to the retention of jurisdiction by this Court for the
8 purpose of enforcing the parties' settlement agreement and permanent injunction;
9

10 NOW, THEREFORE, in light of their settlement, the parties hereby stipulate and agree, pursuant
11 to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that the above-captioned matter shall be dismissed
12 following entry of the permanent injunction, each party to bear its fees and costs.

13 Respectfully submitted,

14 Date: August 25, 2021

15 /s/ Joseph Alm
16

17 Joseph Alm

18 Counsel for Plaintiff Tesla, Inc.

15 /s/ Alex Khatilov
16

17 Alex Khatilov

18 Defendant, proceeding *pro se*

EXHIBIT 1**[PROPOSED] PERMANENT INJUNCTION ORDER**

This Court, having considered the Parties' agreement to the below permanent injunction and the bases provided for the Court's prior temporary restraining order and preliminary injunction in this matter, finds good cause to permanently enjoin Defendant Khatilov as follows.

THEREFORE, for three years from today's date, Alex Khatilov is **HEREBY**:

1. **ENJOINED AND RESTRAINED** from obtaining, retaining, using, transmitting, disseminating, or disclosing any of Tesla's quality assurance files that Khatilov downloaded, transferred, or otherwise obtained from Tesla's servers during his employment with Tesla between December 28, 2020 and January 6, 2021, including any information contained within or deriving from those files (together, the "Tesla Trade Secrets"), but this restraint shall not apply to any Tesla information made publicly available through means and sources completely independent of Khatilov;

2. To the extent not already done, **REQUIRED** to return to Tesla, within three (3) days, all Tesla equipment, tangible materials, and information that remain in Khatilov's possession, custody, or control, including but not limited to any emails, files, records, or other documents that Khatilov downloaded, removed, or otherwise obtained from Tesla, whether original or duplicate.

IT IS SO ORDERED.

Dated: _____, 2021

HON. YVONNE GONZALEZ ROGERS
United States District Judge